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10/772,285

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EXAMINER

FATEHI, PARHAM R

ART UNIT

PAPER NUMBER

2194

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/772,285

Applicant(s)

BOCHKAREV ET AL.

Examiner

Parham (Paul) R. Fatehi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/9/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-12 are pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being disclosed by Eisler et Al (US Patent 5,964,843) [hereafter Eisler].

4. Eisler was cited in the previous office action (12/14/2006).

5. As to Claim 1, Eisler teaches the invention substantially as claimed including

6. As per Claim 1, Eisler discloses:

- **a method of displaying a dialogue window of a device performed by a device control portion, the method comprising** (col. 7 ln 29-45, a peripheral display device can be accessed, ln. 47-51, user interface/display data inherently includes dialog window information)
- **requesting an operating system supporting a 16 bit device control portion to display a 32 bit dialogue window for exchange of information between a user and a predetermined device** (col. 11, ln. 9-20 & col. 11, ln. 59-65, a 16-bit application requests the system to display 32-bit dialogue on the predetermined display device for exchange of information between user and display device, & col. 5, ln. 47-51, user interface/display data inherently includes dialog window information)

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- **receiving 16 bit dialogue window information of the device from the operating system** (Fig. 4 & 5 / col. 11, ln. 59-65, 16-bit information, inherently including dialogue window information, is received from OS)
- **converting the received 16 bit dialogue window information to 32 bit dialogue window information** (see col. 15, ln. 22-25, "converting 16-bit pointers to 32-bit pointers", and if these pointers access the same memory, col. 5, ln. 47-51, which contains user interface/display data, a process which is intended to "enhance or improve display functionality", then it is inherent that converting 16-bit dialog window information to 32 bit is included in Eisler's invention, also see: col. 12 ln. 18—22, driver creates 32-bit pointer from the 16-bit pointer)
- **displaying the 32 bit dialogue window corresponding to the converted 32 bit dialogue window information** (col. 5, ln. 47-51, user interface/display data and system inherently can include dialogue window information & col. 14, ln. 42 – 58, "one embodiment of the invention has been developed for a display device wherein the converted 32-bit information was displayed").

7. As per Claim 2, Eisler discloses:

- **converting comprises: generating 32 bit base dialogue window information having no content of the 32 bit dialogue window; and modifying the 16 bit dialogue window information to the converted 32 bit dialogue window information, in response to the 32 bit base dialogue window information** (col. 11, ln. 9 – 20 & col. 14, ln 42 – 58, the system generated 32-bit enhancement from the initial 16-bit information, and inherently the 32-bit content did not exist until the 32-bit enhancement was generated [conversion occurred] and ln. 47-51, user interface/display data inherently includes dialog window information).

8. As per Claim 3, Eisler discloses:

- **The 16 bit dialogue window information comprises a plurality of 16 bit dialogue window page information and the displaying comprises displaying as the converted 32 bit dialogue window page information, converted 32 bit page information in response**

**to a request by the user for one of the 16 bit dialogue window page information in the 32 bit dialogue window** (col. 7 ln 29 – 45 & col. 11, ln. 9 – col. 12 ln. 23, the 16 bit information can be a game or other 16 bit application, and therefore can consist of a plurality of window page information as claimed and displaying comprises displaying the 32-bit converted information in response to a user's request for the 16-bit information & ln. 47-51, user interface/display data inherently includes dialog window information).

9. As per Claim 4, Eisler discloses:

- **An apparatus displaying a device dialogue window according to dialogue window information, the apparatus comprising a first interface portion receiving 16 bit dialogue window information of the device from a first operating system supporting a 16 bit device control portion** (Fig. 4 & 5 / col. 11, ln. 59-65, 16-bit information, including dialogue window information as disclosed in rejection of Claim 1 above, is received from OS AND ln. 47-51, user interface/display data inherently includes dialog window information);
- **a second interface portion receiving 32 bit dialogue window information of the device from a second operating system supporting a 32 bit device control portion** (col. 11, ln. 9 –20, a second interface portion [32-bit driver] receives 32-bit information from an operating system & ln. 47-51, user interface/display data inherently includes dialog window information);
- **a bit converting portion converting the received 16 bit dialogue window information to converted 32 bit dialogue window information and outputting the converted 32 bit dialogue window information** (col. 12 ln. 18 – 22, driver creates 32-bit pointer from the 16-bit pointer & col. 14, ln.43 – 53, the converted 32-bit information is outputted for display on device);
- **A dialogue window display portion displaying a 32-bit dialogue window corresponding to the converted 32 bit dialogue window information** (col. 14, ln.45 – 50, the converted 32-bit information is outputted for display on device.

10. As per Claim 5, Eisler discloses:

- **a base dialogue window generating portion generating a 32 bit base dialogue window information having no content of the 32 bit dialogue window and outputting the generated 32 bit base dialogue window information (col. 11, ln. 9 – 20 & col. 14, ln 45 – 50, the 32-bit content did not exist until the system generated 32-bit enhancement from the initial 16-bit information);**
- **a data modification portion modifying the received 16 bit dialogue window information to the converted 32 bit dialogue window information and outputting the converted 32 bit dialogue window information to the dialogue window display portion to display the 32 bit dialogue window corresponding to the converted 32 bit dialogue window information, in response to the 32 bit base dialogue window information (col. 12 ln. 18 - 22, driver creates 32-bit pointer from the 16-bit pointer & col. 14, ln. 13 – 45, the converted 32-bit information is outputted for display on device).**

11. As per Claim 6, Eisler discloses:

- **the dialogue window information comprises a plurality of dialogue window page information and wherein the dialogue window display portion displays as the converted 32 bit dialogue window information, converted 32 bit page information or 32 bit page information, in response to a request by a user for one of the dialogue window page information by requesting the bit converting portion or the second interface portion to provide the converted 32 [bit] page information or the 32 bit page information, respectively. (col. 11 ln. 59 – col. 12. ln. 23, the peripheral display displays the converted 32-bit information in response to user requests or either system interface [driver]).**

12. As per Claim 7, Eisler discloses:

- **16 bit dialogue window information comprises a plurality of 16 bit dialogue window page information and wherein the bit converting portion, in response to a request by the dialogue window display portion for a converted 32 bit dialogue window page**

**information as the converted 32 bit dialogue window information, requests the first interface portion to provide one of the 16 bit dialogue window page information of the 16 bit dialogue window information, converts the requested 16 bit dialogue window page information to the converted 32 bit page dialogue window information, and outputs the converted 32 bit page information to the dialogue window display portion** (col. 12, ln. 18 – 22 & col. 16 ln. 20 – 24, when the 32-bit information is requested, the original 16-bit information will be passed to the first of the two interfaces [drivers], since only the first of the two can handle the 16-bit information and this first interface will convert the 16-bit information to 32-bit information and will output the converted 32-bit information).

13. As per Claim 8, it is a system claim with the same limitations as in the method Claim 1, and is therefore rejected under the same reasons.

14. As per Claim 9, Eisler discloses:

- **a machine readable data storage storing a device driver program controlling the computer to interface with a device of the computer, according to a process comprising** (col. 7, ln. 6 – 28, "the system provides device drivers and device interface for improved use of hardware peripherals [inherently including displaying a window]");
- **enabling an interface to input device driver dialogue window information, based upon a number of bits supported by an operating system** (col. 7, ln. 6 – 45, interface inputs device driver information based upon system's supported number of bits);
- **and displaying the device driver dialogue window corresponding to the input device driver dialogue window information according to the enabled interface** (col. 7, ln. 6 – 45, information [such as dialogue window information] can be displayed corresponding to the input information according to the enabled interface AND ln. 47-51, user interface/display data inherently includes dialog window information).

15. As per Claim 10, Eisler discloses:

- **displaying a device driver dialogue window of a device using a single multi-enabled operating system interface device driver, thereby displaying the device driver dialogue window regardless of an operating system type** (col. 10, ln. 54-56, "the two drivers are likely provided as a single driver component" / see Abstract, where Eisler discloses "a system that supports 32-bit enhancements of 16-bit.." and does not limit to any specific operating system, inherently means that regardless of which operating system is used, 16-bit and 32-bit information can be processed, and displayed & ln. 47-51, user interface/display data inherently includes dialog window information).

16. As per Claim 11, Eisler discloses:

- **a machine readable data storage storing a device driver program controlling a computer to display a device driver dialogue window to interface with a device, according to a process comprising** (col. 7, ln. 6 – 28, "the system provides device drivers and device interface for improved use of hardware peripherals [inherently including displaying a window]");
- **enabling an interface to input device driver dialogue window information, based upon a number of bits supported by an operating system** (col. 7, ln. 6 – 45, interface inputs device driver information based upon system's supported number of bits);
- **and displaying the device driver dialogue window corresponding to the input device driver dialogue window information according to the enabled interface** (col. 7, ln. 6 – 45, information [such as dialogue window information] can be displayed corresponding to the input information according to the enabled interface).

17. As per Claim 12, Eisler discloses:

- **interface enabling comprising enabling a first number of bits interface or a first number of bits converter interface to the input device driver dialogue window information, based upon the number of bits supported by the operating system, receiving, by the first number of bits converter interface, a first number of bits**



- dialogue window information of the device from the operating system** (col. 12 ln. 18 – 22 & col. 16 ln. 20 – 24, when the 32-bit information is requested, the original 16-bit information will be passed to [enabling] the first of the two interfaces, since only the first of the two can handle the 16-bit information and this first interface will convert the 16-bit information to 32-bit information and will output the converted 32-bit information);
- **converting, by the first number of bits converter interface, the received first number of bits dialogue window information to a second number of bits dialogue window information** (col. 12 ln. 18 – 22 & col. 16 ln. 20 – 24, , driver creates 32-bit pointer from the 16-bit pointer);
  - **and displaying the device driver dialogue window corresponding to the converted second number of bits dialogue window information** (col. 14, ln.42 – 58, "one embodiment of the invention has been developed for a display device wherein the converted 32-bit information was displayed").

### ***Response to Arguments***

18. Applicant's arguments filed 3/9/2007 have been fully considered but they are not persuasive.

19. In the remarks, Applicant argued in substance that:

- a. length of title is within the limit of 500 characters pursuant to MPEP § 606.
- b. Eisler does not teach "converting the received 16 bit dialogue window information to 32 bit dialogue window information"
- c. Eisler does not teach "displaying the 32 bit dialogue window corresponding to the converted 32 bit dialogue window information" since, as argued, dialogue window information is not explicitly disclosed

d. Eisler does not teach "displaying the device driver dialogue window regardless of an operating system type" as recited in independent claim 10

e. claims 2-3, 5-7 and 12 which variously depend from independent claims 1, 4 and 11 should be allowable

20. As to point (a), Examiner respectfully agrees with applicant and the objection is withdrawn.

21. As to point (b)-(e), Examiner respectfully traverses Applicant's remarks:

22. As to point (b), see col. 16, ln. 22-25 "converting 16 bit pointers to 32 bit pointers" and if these pointers access the same memory, col. 5, ln. 47-51, which contains user interface/display data, a process which is intended to "enhance or improve display functionality", then it is inherent that converting 16-bit dialog window information to 32-bit as claimed is included in Eisler's invention.

23. As to point (c), see col. 5, ln. 47-51, user interface/display data used in connection with a display device interface and system inherently includes dialogue window information that is meant for display.

24. As to point (d), see Abstract, where Eisler discloses 'a system that supports 32-bit enhancement of 16-bit...' and does not limit his invention to any particular operating system.

25. As to point (e), the dependent claims 2-3, 5-7 and 12 have been individually rejected above. Furthermore, the independent claims from which they variously depend have been rejected as per Examiner's rejections and arguments above.

***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parham (Paul) R. Fatehi whose telephone number is 571-270-1407. The examiner can normally be reached on M-Th 7:30AM-5PM EST, off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Fatehi  
AU 2194

*[Signature]* 5/14/2007

*[Signature]*  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER